



Lamoine Board of Selectmen

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Minutes of February 7, 2013

Chair Jo Cooper called the meeting to order at 7:00 PM.

Present were: Selectmen Richard Fennelly Jr., S. Josephine Cooper, Gary McFarland; Administrative Assistant Stu Marckoon, Budget Committee members Marion McDevitt, Kathleen DeFusco, Cece Ohmart, Merle Bragdon, Robin Veysey, Planning Board Chair John Holt, and CEO/Assessor Michael Jordan. Selectman Cynthia Donaldson had notified the board prior to the meeting that she was unable to attend.

Agenda Review – Jo noted that the Board was going to meet with the Budget Committee and items on the agenda could be moved as necessary to accommodate those present.

Minutes – January 17 2013 – Jo moved to approve the minutes as written. Gary 2nd. **Vote in favor was 2-0 (Fennelly abstained).**

Expenditure Warrant 15 – Selectmen signed expenditure warrant 15 in the amount of \$33,390.70. Stu noted the largest bill was for snow plowing.

Cash & Budget Report – There were no questions regarding the written report.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with review of the checking account reconciliation that had been e-mailed prior to the meeting.

Tax Acquired Property – Stu reported that the previous owner of the tax acquired property had notified him that she wished to purchase the property, but late yesterday said she was no longer able to arrange for financing. He said she understood that it would be auctioned. Jo moved to proceed with the advertisement of the auction. Richard 2nd. **Vote in favor was 3-0.**

Tax Due Reminders – Selectmen had no objection to sending post card reminders of the 2nd half property taxes being due.

Meeting with Budget Committee re: 2013/14 proposed budget – Jo said the Selectmen wished to confer with the Budget Committee in light of the Governor's proposed budget and its local impact. Budget Committee chair Robin Veysey said the committee has not had a chance to meet to discuss it. She said her first thought was to never rely on money from any government entity. Stu reviewed the proposed cuts to Municipal Revenue Sharing, Commercial Vehicle Excise Tax, and elimination of the Homestead Exemption.

Richard remarked that it is likely that federal funding to the states will also be reduced. Stu said he spoke with RSU 24 Representative Brett Jones about the impact of the education budget, and Mr. Jones was pessimistic about any positive impact due to state

funding cuts and the half of teacher retirement benefits being passed on to the local school units. Richard asked if the undesignated fund balance could be utilized if need be. Stu replied that it could.

Budget Committee member Merle Bragdon said the committee has not dealt with the education numbers and said the governor's proposals are potentially a worst case scenario. He said he would recommend taking a wait and see approach and let the budget go to town meeting as is. He said the final impact from the state should come out in July. He said perhaps paving costs could be reduced or the loss in revenue sharing could come from the undesignated fund balance.

Jo said she is reluctant to raise taxes on an unknown political situation. Richard asked if the education budget would come in time for the town meeting. Stu said no, it generally is passed in May and ratified at the June validation vote, and because it is the RSU vote that approves it, the town has no individual say. A brief discussion followed on paving.

Budget Committee member Marion McDevitt said she'd like to see the Ellsworth library cut to the same \$600 limit as the social service agencies. Budget Committee member Kathleen DeFusco said funding for the YMCA could also be a potential reduction.

Jo said she agreed with the idea of waiting to know more about the state budget impact. Mrs. McDevitt asked how that would affect the town meeting vote. Jo said there could be a special town meeting to deal with the impact. A discussion followed on budget reductions after the annual town meeting.

Budget Committee member Cece Ohmart said there should be consideration given to the payback of funding. She said the YMCA pays a good dividend in reduced fees to residents. She said the hospital benefit far outweighs the payment. Jo said a lot more townspeople are using social service agencies – and it's shocking what the needs are.

Jo said her preference is to deal with what is known. Richard said the minutes will reflect some of the ideas if they are needed, and the town meeting can be asked whether it wishes to make a change. Mr. Bragdon noted the library request was based on circulation. Mrs. McDevitt said budget expenditures are fine for necessities, but the library and the YMCA are optional. Richard said he feels the same way about the contract with County Ambulance. Jo asked if the Board and Budget Committee might wish to revisit the budget in June. Mrs. Veysey said she believes it is wise to wait and see what happens.

Comprehensive Plan – Stu said he spoke with the gentleman who handles the Comprehensive Planning program with the Maine Department of Environmental Protection and he would be willing to meet with the town if it decides to go ahead with the process. He said he ran the proposed town meeting question by the gentleman, and he seemed to think that was the proper course to take.

Jo said the Conservation Commission has invited the Selectmen to the open space meeting set for Wednesday, February 13, 2013. She read a letter from the group.

Richard said he would like to see the town acquire some deep water access for boat launching. He said the state park has been difficult to work with. A brief discussion followed regarding the harbor area.

Town Meeting Warrant – Stu reported the Gravel Ordinance re-write and amendments removing gravel pits from the Site Plan Review Ordinance are proposed for the warrant. Planning Board Chair John Holt explained there was a conflict with the two ordinances, and the replacement Gravel Ordinance would address that. He said 2 or 3 things are proposed to be removed from the Site Plan Review Ordinance. He said he had hoped to have the two ordinance changes combined into one article, but the town was advised by Maine Municipal Association Legal Services not to do that. He said that potentially creates a problem if the gravel ordinance is rejected and the Site Plan Review amendments pass.

Richard asked if the proposed changes could be characterized as more or less restrictive. Mr. Holt said the proposed setbacks are increased from abutting properties and there are additional groundwater level determinations proposed, along with a water quality baseline. He said there is more information requested; therefore it would be more restrictive. Richard asked if it would be more difficult to go through the process. Mr. Holt said it would be more efficient than going through two ordinances. Richard asked if the new ordinance would make it less financially viable to develop a pit, and therefore less likely that might happen. Mr. Holt said the applicant has to make a business decision on a three year permit. He said less land is available for extraction should the ordinance pass, and a gravel operation would not be as profitable. Richard said there is an anti-gravel pit agenda in town, and that's not a secret. A short discussion followed between Mr. Holt and Richard in regard to the politics of the gravel ordinance.

Gary asked if the current pit operators would have to comply with the 100-foot setback that is proposed. Mr. Holt said any current permit or application has a maximum 3-year period from the date of enactment to work to the present 50-foot setback which gives pit owners some transitional time.

Jo remarked that the ordinance development was a lot of work. Mr. Holt said it took well over a year to come up with the proposed ordinance. Jo asked if there would be a public hearing. Stu said the open town meeting serves that purpose. Mr. Holt said there have been informational meetings and gravel pit operators were present as well as the perceived anti-gravel group. He said the Planning Board got an earful.

The Selectmen and Stu reviewed the proposed warrant. Richard explained the proposed amendments to the Shellfish Ordinance and Interlocal Agreement. During the review a few minor typographical errors were discovered. Stu said it was his intent to fix the errors and print a new warrant at the end of the meeting for signature.

Jo moved to sign the warrant as corrected. Gary 2nd. **Vote in favor was 3-0.**
Selectmen signed the town meeting warrant following adjournment after the errors were corrected.

Town Report – After a brief discussion about the town report layout, Selectmen gave the go ahead to publish once the budget and the town meeting warrant were entered.

RSU 24 Withdrawal – Gary reported that the Withdrawal Committee has not met, but they are due to meet with the RSU Board on February 12, 2013. He said there is a new draft of the withdrawal agreement and they hope to get together with Hancock's Withdrawal Committee which has a similar agreement. He said the City of Ellsworth's withdrawal effort is also getting closer to approval, but there are a lot more detailed financial matters required. He said an agreement appears to be very close, and they hope to possibly vote on the withdrawal agreement in June, but they cannot choose the date. He said November would be another possible voting date. He said the withdrawal committee needs to know what it would cost the town to run its own system. Richard asked if there was any idea what the cost might be. Gary said they're getting some information. Richard asked if it is appropriate to suggest an election date in the letter to the Education Commissioner. Gary said he hoped that the Commissioner would work with the local committee. A brief discussion of the numbers of other withdrawing districts across the state followed.

Town Meeting Advertising – Stu reported he received a quote from Full Circle printing on campaign type signs. Richard suggested maybe having the students at the Lamoine Consolidated school make posters instead. Jo said she did not favor spending \$200 on signs. Stu said he would contact the school.

Vault Shelving Project – Stu reported that the formal proposal from Donnegan Systems for just over \$8,700 had come in. Richard asked if Stu was comfortable with the proposal. He said he was, and asked Michael Jordan if the assessors were as well. Mr. Jordan replied they were. Jo moved to accept the proposal. Richard 2nd. **Vote in favor was 3-0.**

Girl Scout Cookie Sale – Stu reported that the local Girl Scout Troop had requested to set up a cookie booth on March 13, 2013 while the town office is open. He said he reviewed the policy on solicitation, and found the town clerk could approve that. He said he gave approval in his capacity as the Deputy Town Clerk.

Snow Plowing Contract – Selectmen reviewed the proposed changes to the next contract, and will take up the matter at the next regular meeting with the goal of sending it out to bid by April 1, 2013.

Open Space Meeting – Selectmen reminded the public that the Conservation Commission's Open Space session is next Wednesday at 7PM at the Town Hall.

Returnable Requests – Jo moved to grant requests for the proceeds of the returnables dropped off at the transfer station to the East Lamoine Cemetery in May, 2013 and the Lamoine Historical Society in June 2013. Gary 2nd. **Vote in favor was 3-0.**

Old Point Inc. v. Town of Lamoine – Mr. Jordan reported that the State Board of Property Tax Review voted that it does not have jurisdiction in the case brought by Old

Point, Inc. because it is not a tree growth case. He said that decision was appealed to Superior Court in Kennebec County by Old Point, Inc. He said the Hancock County Commissioners voted that they did not have jurisdiction in the matter because the case involved a tree growth property, and that was appealed by Old Point, Inc to Hancock County Superior Court. He said Old Point, Inc. has petitioned to combine the two cases and it would likely be 6-to-8 months before it goes to court.

Other – Richard thanked the board members and the public for their support during his 3-terms as Selectman. The Board and Stu thanked Richard for his service, noting that a write-in campaign was always a possibility.

Next Meeting – The next regular meeting is February 21, 2013, then March 7, 2013 with the annual town meeting election on March 12, 2013 and the open town meeting on March 13, 2013.

There being no further business, the meeting adjourned at 8:12 PM – the town meeting warrant was then corrected, printed and signed.

Respectfully submitted,

Stu Marckoon, Adm. Asst. to the Selectmen